

1 MICHAEL BY WHITING
2 APACHE COUNTY ATTORNEY
3 Post Office Box 637
4 St Johns, AZ 85936
5 Telephone (928) 337-7560
6 Attorney for Petitioner

7
8
9
10 Michael By Whiting (022092)
11 Apache County Attorney
12 Bradley W. Carlyn (013179)
13 Special Prosecutor
14

APACHE CO SUPERIOR COURT
FILED

NO DOCKETED

JAN 06 2009

AT 0'CLOCK

SUE HALL, CLERK
DEPUTY

15
16
17
18
19
20
21
22
23
24
25
26
27
28
IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF APACHE

IN THE MATTER OF

CHRISTIAN RYAN ROMERO

A person under 18 years of age

Case No JV 2008-065

STATE'S RESPONSE TO MOTION TO
SUPPRESS STATEMENTS

(Assigned to the Honorable Michael Roca,
Judge Pro Tem)

The State of Arizona, by and through undersigned counsel, heraby responds to the juvenile's motion to suppress statements. The State will stipulate that none of the statements made to law enforcement on Thursday, November 6, 2008, at the St Johns Medical Clinic will be admissible at any adjudicatory hearing involving the juvenile for the State's case in chief, however, the State will use such statements to impeach the defendant if he chooses to testify. While the State is stipulating to the suppression of the statements, this stipulation does not mean it concurs with all the matters contained in the juvenile's motion. In fact, the State believes the motion contains numerous errors in both its purported factual representations and interpretation of certain legal arguments.

The second issue raised by the juvenile concerns statements he made to a child protective worker who visited him in the detention facility. To the State's knowledge, the juvenile was not interviewed by the CPS caseworker about any matter related to this matter. However, the juvenile, without prompting, made a statement about a 1,000

1 spankings and keeping a journal related to those spankings This was the information
2 related to law enforcement

3 The state is unaware of any incriminating statements made by the juvenile to the
4 CPS caseworker For that reason, the State is also willing to stipulate that none of the
5 statements made by the juvenile to the CPS caseworker in the detention facility will be
6 admissible at any adjudicatory hearing involving the juvenile for the State's case in
7 chief

8 RESPECTFULLY SUBMITTED this 1st day of January, 2009
9

10
11 
12 Michael B. Whiting
Apache County Attorney

13 The original filed with the
14 Clerk of the Superior
15 Court and a copy delivered
16 this 1st day of January
17 2009 to

18 The Honorable Michael Roca
19 Apache County Superior Court
20 Judge Pro Tem

21 Benjamin M. Brewer, Esq
22 The Wood Law Office
23 201 S White Mountain Road
24 Show Low, Arizona 96901
25 Fax # (928) 537-8884

26 BY M. J. Roca
27
28